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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

**SPECIALTY EQUIPMENT MARKET  
ASSOCIATION & PERFORMANCE  
RACING, INC.; NATIONAL TRUCK  
EQUIPMENT ASSOCIATION,**

Plaintiffs,

**v.**

**CALIFORNIA AIR RESOURCES  
BOARD; STEVEN S. CLIFF, in his official  
capacity; ROBERT A. BONTA, in his  
official capacity; and DOES 1 through 25,**

Defendants.

2:24-cv-02771-TLN-AC

**STIPULATION AND ORDER TO HOLD  
CASE IN ABEYANCE PENDING  
OUTCOME OF RULEMAKING**

Courtroom: 2, 15th Floor  
Judge: Hon. Troy L. Nunley  
Trial Date: Not Set  
Action Filed: October 8, 2024

Defendants CALIFORNIA AIR RESOURCES BOARD, STEVEN S. CLIFF, in his official capacity, and ROB BONTA, in his official capacity, and Plaintiffs SPECIALTY EQUIPMENT MARKET ASSOCIATION & PERFORMANCE RACING, INC., and NATIONAL TRUCK EQUIPMENT ASSOCIATION hereby submit this stipulation and request for abeyance.

### **RECITALS**

WHEREAS, on August 28, 2023, the California Air Resources Board (CARB) adopted the Advanced Clean Fleets regulation, California Code of Regulations, title 13, Sections 2013 through 2016, to establish requirements, for among other things, drayage truck fleets (Sections 2014 through 2014.3, “Drayage Fleet Requirements”) and certain fleets referred to as “High-Priority” fleets (Sections 2015 through 2015.6, “High-Priority Fleet Requirements”);

WHEREAS, on November 15, 2023, CARB submitted a request to the U.S. Environmental Protection Agency (EPA) seeking a Clean Air Act preemption waiver for elements of CARB’s Advanced Clean Fleets regulation, pursuant to Section 209(b)(1) of the Clean Air Act, 42 U.S.C. § 7543(b)(1);

WHEREAS, on October 8, 2024, Plaintiffs filed their complaint challenging certain requirements of the Advanced Clean Fleets regulation, ECF 1;

WHEREAS, on January 13, 2025, CARB withdrew its waiver request;

WHEREAS, CARB’s Executive Officer does not currently intend to resubmit a waiver request to EPA for the High-Priority Fleet Requirements and Drayage Fleet Requirements as adopted on August 28, 2023 and instead intends to direct CARB staff to present a proposal to repeal those provisions for the Board’s consideration;

WHEREAS, Plaintiffs and Defendants (collectively, the Parties) have met and conferred to discuss how this case should proceed in light of CARB’s withdrawal of its waiver request;

WHEREAS, the Parties have reached an agreement that is anticipated to resolve this litigation but will require time to execute;

### **STIPULATION AND REQUEST FOR ABEYANCE**

THEREFORE, IT IS HEREBY STIPULATED among the Parties, through their respective counsel, as follows:

1           1. In his official capacity, Defendant Cliff agrees that CARB will present a proposal to  
2 repeal the High-Priority Fleet and Drayage Fleet Requirements of the Advanced Clean Fleets  
3 regulation (California Code of Regulations, title 13, Sections 2015 through 2015.6 (High-  
4 Priority); Sections 2014 through 2014.3 (Drayage)) in a public hearing as soon as practicable, and  
5 in any case CARB will present such proposal to its Board no later than October 31, 2025. The  
6 notice and the Initial Statement of Reasons for that rulemaking action will be published on or  
7 before September 1, 2025. If the Board approves the proposed repeal, CARB staff would submit  
8 that rulemaking action to California's Office of Administrative Law (OAL) for approval no later  
9 than August 31, 2026.

10           2. Defendants agree that they will not take any enforcement action under the High-  
11 Priority Fleet or Drayage Requirements for conduct during the period beginning with the earliest  
12 effective date of any of these requirements (November 1, 2023) and ending when CARB or OAL  
13 (whichever acts latest) takes final action on the CARB rulemaking described herein. If CARB's  
14 Board fails to approve the proposed repeal, Defendants will not take any enforcement action for  
15 at least 120 days following such decision to allow the Parties to evaluate—and meet and confer  
16 about—next steps in light of the Board's decision.

17           3. Defendants also agree that CARB will not enforce the part of the Advanced Clean  
18 Fleets regulation requiring 100% zero-emission-vehicle sales in the medium- and heavy-duty  
19 categories beginning with model year 2036 (Cal. Code Regs., tit. 13, § 2016), until CARB obtains  
20 a Clean Air Act preemption waiver from EPA for that regulatory requirement.

21           4. The Parties agree that the case should be held in abeyance during the CARB  
22 rulemaking described herein, to avoid wasting party and judicial resources.

23           5. Plaintiffs agree that if CARB finalizes, and OAL approves, the repeal of the High-  
24 Priority Fleet and Drayage Fleet Requirements from the Advanced Clean Fleets regulation,  
25 Plaintiffs will voluntarily dismiss their complaint against all Defendants pursuant to Federal  
26 Rules of Civil Procedure 41(a)(1)(A)(i) within 15 days of when the repeal becomes effective  
27 under state law.  
28

6. In the event the case is voluntarily dismissed, the Parties agree they shall each bear their own costs and attorneys' fees.

7. The Parties agree that if OAL has not approved the subject repeal **by October 15, 2026**, the Parties will submit a joint statement within 30 days advising the Court how the Parties propose to proceed.

Dated: May 14, 2025

Respectfully submitted,

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MYUNG J. PARK  
Supervising Deputy Attorney General

/s/ M. Elaine Meckenstock  
M. ELAINE MECKENSTOCK  
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Attorneys for Defendants

Dated: May 14, 2025


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/s/ Caleb J. Bowers

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SPECIALTY EQUIPMENT MARKET  
ASSOCIATION & PERFORMANCE  
RACING, INC.; NATIONAL TRUCK  
EQUIPMENT ASSOCIATION  
(as authorized on May 14, 2025)

**IT IS SO ORDERED.**

Dated: May 14, 2025

  
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Troy L. Nunley  
Chief United States District Judge